

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 26
Judiciary I/Constitution Committee Substitute Adopted 5/4/95
Third Edition Engrossed 5/8/95
House Committee Substitute Favorable 6/7/95

Short Title: School Expulsion Modified.

(Public)

Sponsors:

Referred to:

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO ENABLE LOCAL BOARDS OF EDUCATION TO EXPEL FROM SCHOOL THOSE STUDENTS WHOSE CONTINUED PRESENCE IN SCHOOL CONSTITUTES A CLEAR THREAT TO THE SAFETY AND HEALTH OF OTHER STUDENTS OR EMPLOYEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-391(d) reads as rewritten:

"(d) ~~A~~ Notwithstanding G.S. 115C-378, a local board of education may, upon recommendation of the principal and superintendent, expel any student 14 years of age or older who has been convicted of a felony and whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety and health of other students or employees. The local board of education's decision to expel a student under this section shall be based on clear and convincing evidence. At any time after the first July 1 that is at least six months after the board's decision to expel a student under this subsection, a student may request the local board of education to reconsider that decision. If the student demonstrates to the satisfaction of the local board of education that the student's presence in school no longer constitutes a threat to the safety and health of other

1 students or employees, the board shall readmit the student to a school in that local school
2 administrative unit on a date the board considers appropriate. Notwithstanding the
3 provisions of G.S. 115C-112, a local board of education has no duty to continue to
4 provide a child with special needs, expelled pursuant to this subsection, with any special
5 education or related services during the period of expulsion."

6 Sec. 2. The State Board of Education shall develop guidelines that define acts
7 and conduct that are considered a clear threat to the safety and health of students and
8 teachers. The State Board of Education shall report to the 1995 General Assembly and
9 the Joint Legislative Education Oversight Committee no later than December 1, 1996, on
10 the implementation of this act, including the numbers of students expelled under the act.

11 Sec. 3. This act becomes effective September 1, 1995, and applies to acts
12 committed on or after that date.